

REQUEST FOR QUALIFICATIONS (RFQ)
FOR
ASSET MONETIZATION FINANCIAL ADVISOR

Appointment to Asset Monetization Financial Advisor Pool for a One-Year Period

Issued by the
State of New Jersey
The Office of the State Treasurer

Date Issued: August 15, 2006

Responses due by 3:00 PM EST on
August 29, 2006

Bradley I. Abelow
State Treasurer
State of New Jersey
Department of the Treasury

**REQUEST FOR QUALIFICATIONS (RFQ)
FOR
ASSET MONETIZATION FINANCIAL ADVISOR**

Appointment to a Pool for a One-Year Period

1.0 PURPOSE AND INTENT

The Treasurer of the State of New Jersey (“State”) is soliciting proposals from qualified firms interested in performing the services described herein as an Asset Monetization Financial Advisor (“Advisor”) to the State. The State will select a pool of firms to be available to serve as Advisor to the State in connection with the development and implementation of strategies to maximize value from various State assets, including those owned or operated by various independent authorities and including, but not limited to, toll roads, transit facilities, rights of way, air rights or other development rights, naming rights, and infrastructure such as airports, bridges, water facilities, ports, parks and recreational facilities (collectively, the “Assets”)

Based upon a review of the responses received to this Request for Qualifications (RFQ), the State will determine whether to establish the pool, the number of firms to be included in the pool and which firms to include in such pool. If the pool is established, the term of the appointment for inclusion in the pool will be for a period of one (1) year, commencing with the date of appointment, which is expected to be on or about September 11, 2006. The State reserves the right to extend the pool for two (2) periods of one (1) year each. Firms will be selected for specific assignments based upon the responses to this RFQ. Appointment to the pool does not provide any assurance that any member thereof shall receive appointment to any particular assignment.

The State reserves the right, in its sole discretion, at any time, and from time to time, during the term of the pool, to engage one or more firms pursuant to a separate procurement process when, in the State’s sole discretion, another firm(s) is required to handle a particular transaction. Selection to the pool under this RFQ does not limit a firm’s ability to be selected to participate under a separate procurement. The State also reserves the right, in its sole discretion, to terminate any individual member of the pool at any time and/or to terminate the pool at anytime.

The State, in its sole discretion, may select more than one member of the pool to provide the services required under this RFQ and allocate the scope of services among the selected members in the manner the State determines most advantageous.

2.0 MINIMUM REQUIREMENTS

A firm must meet ALL the following minimum requirements to be given further consideration to be selected for the pool. Failure of a firm to meet all these minimum requirements will result in the proposal’s immediate rejection. The firm itself must meet

minimum requirements #1 and #2 below but may, at its option, meet minimum requirement #3 through a subcontractor. In the event that the firm proposes to meet minimum requirement #3 through a subcontractor, and the firm is selected to participate in the pool, the firm will be required to use such subcontractor in performing the services required, unless the firm requests the approval of the State for the substitution of a subcontractor who can also meet such minimum requirement, such approval of the State to be in its sole discretion.

- 1) Firm must have completed two (2) assignments serving as a financial advisor during the time period 2004-2006 for Public-Private Partnership/Private Finance Initiative (“PPP/PFI”) transactions, one of which was for surface transportation.
- 2) Firm must have executed two (2) transactions as financial advisor, underwriter, lender or placement agent which resulted in the execution of a transaction during the time period 2004-2006 for PPP/PFI transactions, one of which was for surface transportation.
- 3) Firm or its subcontractor must have experience as a financial advisor, senior managing underwriter or co-senior managing underwriter of 5 tax exempt municipal bond transactions each of \$250mm or more during the time period 2004-2006.

3.0 BACKGROUND

The State and/or its independent authorities (including, but not limited to, the New Jersey Turnpike Authority, New Jersey Transit, and South Jersey Transportation Authority, collectively referred to herein as the “ Authorities”) own Assets which have been identified as potentially having significant realizable value to the State. The State is interested in determining the value of these Assets and exploring the feasibility of monetizing the value of these Assets through sale, lease, securitization or other types of transactions in order to generate funds to reduce debt and/or invest in capital facilities/projects. At its discretion, the State may include other types of assets in addition to the Assets listed above.

It is anticipated that this will be accomplished in three phases. Phase 1 will consist of an asset/liability study and substantive analysis of the Assets and will provide for various options for the monetization of these Assets. Phase 1 must be completed by October 15, 2006. Phase 2 will consist of a more detailed analysis and structuring of some or all of the options which were the product of Phase 1. The State reserves the right, in its sole discretion, to not proceed with Phase 2. If the State determines to proceed with Phase 2, it is anticipated that Phase 2 will be completed within 90 days of its commencement. Upon completion of Phase 2, if such phase is pursued, the State will, in its sole discretion, determine whether to proceed with one or more of these options. In the event that the State decides to proceed with one or more of these options, Phase 3 will consist of assisting the State in accomplishing the full and complete execution of the chosen transaction(s).

In undertaking Phase 2, if such should occur, the State reserves the right to select a firm(s)

from the pool other than the one(s) selected to undertake Phase 1 as well as to select a firm(s) through a separate procurement process. Similarly, if the State determines to proceed with Phase 3, the State reserves the right to select a firm(s) from the pool other than the one(s) selected to undertake Phase 1 or 2 as well as to select a firm(s) through a separate procurement process. Upon selection of a firm from the pool for an assignment for any of the phases, the State will enter into a contract with the firm for the applicable phase.

4.0 SCOPE OF SERVICES

4.1. Phase 1

The Asset Monetization Financial Advisor will provide the following services which must be completed no later than October 15, 2006:

- 1) Advise the State regarding the development of strategies for maximizing the value to the State of selected Assets.
- 2) Prepare an asset/liability study of the selected Assets.
- 3) Develop alternative options for maximizing the value to the State of the selected Assets, along a spectrum of options, ranging, for example, from maintaining the status quo by taking no action, to full divestment of the asset, through a sale. In connection therewith, assist in reviewing the structural issues, financial risks and benefits and public policy impacts of the proposed options to the State and the Authorities and propose appropriate structures for accomplishing the objectives.
- 4) Provide expected valuations for each option developed for each Asset being considered for monetization.
- 5) Analyze and recommend the most efficient use of transaction proceeds with respect to reducing the State's outstanding indebtedness and/or funding future State capital needs.

4.2. Phase 2

If the State determines, in its sole discretion, to proceed with Phase 2, the firm(s) selected for Phase 2 shall perform the services listed in Section 4.1, above, for those assets and options being considered by the State and provide a more detailed and in-depth analysis of such options. Additional responsibilities will include the following services:

- 1) Finalize a plan to proceed with the monetization of the selected asset and the selected option

- 2) Assist in identifying and developing legislative amendments, as required, as well as preparing presentation material necessary for all relevant parties and stakeholders.

Phase 2 shall be completed within 90 days following engagement for Phase 2.

4.3 Phase 3

If the State, in its sole discretion, determines to proceed with Phase 3, the firm(s) selected for Phase 3 shall perform the following services:

- 1) Advise and assist in preparation of Request for Proposals (“RFP”) for professionals and/or counterparties to execute the selected transaction(s) and assist in the evaluation of RFP responses.
- 2) Identify appropriate counterparties to invite to respond to the RFP.
- 3) Assist in the negotiation of the terms of each transaction and in the closing of same.
- 4) Prepare or assist in the preparation as necessary of discussion and presentation materials for all relevant parties, including but not limited to, the Authorities and executive staff, legislative bodies and committees and Treasury Department staff. Attend meetings as directed.
- 5) Advise and assist the State and the Authorities, as applicable, in all matters that are reasonably required to effectuate and close the transaction(s).

5.0 SUBCONTRACTING

The State encourages each firm responding to this RFQ that to the extent there are opportunities for such firm to subcontract services under this procurement, the firm will make good faith efforts to subcontract such work to qualified small businesses in accordance with the Set Aside Contracting and Subcontracting Program, N.J.A.C. 17:13-4 et seq. and Executive Order No. 71 (McGreevey). In addition, any firm submitting a response to this RFQ agrees that to the extent possible during the term of any assignment under this RFQ, the firm shall continue to identify and utilize qualified small business subcontractors to assist in providing the required services. Any firm engaged from the pool pursuant to this RFQ agrees during the term of the engagement to provide any documentation required by the State to indicate compliance with this requirement

As indicated in Section 2.0 above, a firm may at its option elect to meet minimum requirement #3 through a subcontractor, whether a qualified small business subcontractor or one that is not. Regardless of whether a firm uses a qualified small business subcontractor or a subcontractor that is not a qualified small business, the firm must use the subcontractor

identified in the firm's proposal to perform the services required, unless the firm requests the approval from the State for the substitution of a subcontractor who can also meet such minimum requirement, such approval of the State to be in the State's sole discretion.

6.0 REQUIRED COMPONENTS OF THE PROPOSAL

Each firm submitting a proposal must follow the instructions contained in this RFQ in preparing and submitting its proposal. The proposing firm is advised to thoroughly read and follow all instructions. A proposal must contain all of the information in the order and format indicated below. All terms and conditions set forth in this RFQ will be deemed to be incorporated by reference in their entirety into the proposal. Joint proposals will NOT be permitted.

In the proposal please respond to each question by repeating the question at the top of the section and referring to the question by the numbers used in this RFQ. The proposal should not exceed 20 pages (exclusive of cover page and appendices). Please use no smaller than 12 pt. type.

6.1. Technical Proposal

- 1) Demonstrate specifically how the firm meets the minimum requirements set forth above in Section 2.0. Include the names, size, asset type, dates of the transactions/assignments and your role in the transactions relevant to your firm meeting the minimum requirements. In the event that the firm elects to meet minimum requirement #3 through a subcontractor, the firm must indicate the name of the subcontractor, business address, e-mail address, telephone number and fax number of such firm and must indicate the names, size, dates of the transactions and the role of the subcontractor in the transactions relevant to the subcontractor meeting minimum requirement #3. The firm must also include a statement from the subcontractor indicating that the information provided is correct and that this information is being provided by the firm to the State in response to this RFQ.
- 2) Provide the name and address of your firm, the name, title, business address, e-mail address, telephone number and fax number of the individual the State should contact regarding your proposal. Provide a listing of all offices maintained in the State and the number of professional and analytical employees in each office.
- 3) Identify any existing or potential conflict of interest, or any relationships that might be considered a conflict of interest, that may affect or involve transactions for the State or the Authorities.
- 4) Describe all licenses held and maintained by the firm, its directors, or officers and principals and any of the individuals who will be responsible for providing the services described in this RFQ that are required in order to do business in the State or otherwise. Provide a listing of any and all suspensions or expulsions by those

regulatory agencies of the firm or any of its personnel since January 1, 1996 with an explanation of the reason for such suspensions or expulsions and the time period for such action.

- 5) Provide a staffing plan listing those persons who will be assigned to the engagement if the firm is selected, including the designation of the team leader and the team members who will be assigned to work on this assignment. Include detailed resumes describing the team leader(s) and primary team members' employment background, education, experience in PPP/PFI work and further, specifically, their experience with transportation assets. The team leader must be committed to work with the State. No substitution of the team leader will be permitted without written approval from the State. Additional team member resumes should be included in an appendix. In the event that the firm is proposing to use a subcontractor to meet minimum requirement #3 listed in Section 2.0 above, the firm shall provide with respect to such subcontractor detailed resumes of the subcontractor's team leader and primary team members' employment background, education and experience with municipal debt advisory and underwriting.. *[limit 2 pages]*
- 6) Provide references for the two (2) PPP/PFI financial advisor assignments, two (2) PPP/PFI executed transactions and for each of the 5 tax exempt municipal bond transactions described in Section 2.0 - MINIMUM REQUIREMENTS above, as well as for the transaction discussed in the case study in #7 below, (if not already included), including contact name, affiliation, business phone, e-mail address and the team member who performed the assignment. In the event that the firm is proposing to use a subcontractor to meet minimum requirement #3 listed in Section 2.0 above, the firm shall provide references for each of the 5 tax exempt municipal bond transactions described in Section 2.0 that have been undertaken by the subcontractor.
- 7) List all the relevant transactions for which the firm(s) has provided financial advisory services and transaction execution services for PPP/PFI transactions for the time period 2004-2006, including, but not limited to, the name of the client, the firm's role, outcome of the assignment (i.e. lease, sale, IPO, status quo, etc), and size of the transaction, if a transaction was executed, or the asset valuation, if no transaction was executed. Include a detailed case study of the advisory or transaction you believe is most relevant to the State, and describe the team leader's role in that transaction. *[limit 4 pages]*
- 8) Provide a detailed executive summary identifying and substantiating the basis of your contention that you are the best qualified firm to provide the services requested under this RFQ. *[limit 2 pages]*
- 9) Provide a detailed staffing and work plan, including names and titles of personnel, and schedule of actions to be taken to meet a deadline of October 15, 2006 for Phase 1 described in Section 4.0 - SCOPE OF SERVICES. *[limit 1 page]*
- 10) Provide an overall schedule/timetable to accomplish Phase 3 for each of the

following transaction types with respect to, for example, a toll road asset:

- a. Long term concession arrangement
 - b. Equity sale to a private entity
- 11) In an appendix, provide a description of your firm, the ownership structure, organization chart and a description of the departments or divisions which will be providing the services requested under this RFQ.

6.2. Fee Proposal

Provide proposed fees for the services described in Section 4.0 - SCOPE OF SERVICES with a separate fee allocated to each of Phase 1, Phase 2 and Phase 3. Be specific as to how pricing will be determined, whether fees will be fixed, billed on an hourly basis and if so, the cap on these fees. Describe whether expenses are included in these fees, or if not, how they will otherwise be billed. The information provided will be taken into consideration as part of the selection process and will be the basis for negotiating a contractual agreement between the firm selected and the State for services to be provided.

6.3. Miscellaneous Documents

The following documents must be included with the proposal:

- 1) New Jersey Business Registration Certificate. A valid New Jersey Business Registration Certificate is required. If the firm is not already registered with the New Jersey Division of Revenue, the form should be completed, online, at the Division of Revenue website at: <http://www.state.nj.us/treasury/revenue/index.html>. If the firm elects to meet minimum requirement #3 listed in Section 2.0 above through a subcontractor, the firm must submit a valid New Jersey Business Registration Certificate for the subcontractor.
- 2) Chapter 51. Pursuant to Public Law 2005, Chapter 51 ("Chapter 51") State departments, agencies and authorities are precluded from awarding contracts exceeding \$17,500 to vendors who make certain political contributions on and after October 15, 2004, to avoid any appearance that the selection of State contractors is based on the contractors' political contributions. Chapter 51 also requires the disclosure of all contributions to any political organization organized under 26 U.S.C. 527 that also meet the definition of a "continuing political committee" within the meaning of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. **Please refer to Attachment I which explains the requirements of Chapter 51. Failure to submit the attached certification form(s) and disclosure form(s) shall be cause for rejection of your firm's proposal.** Any firm selected to participate in the pool shall maintain compliance with Chapter 51 during the term of their participation in the applicable pool.

- 3) Chapter 271. Pursuant to Public Law 2005, Chapter 271 (“Chapter 271”) your firm is required to disclose its (and its principals’) political contributions within the immediately preceding twelve (12) month period prior to entering into a contract. No prospective firm will be precluded from entering a contract with the State or its Authorities by virtue of the information provided in the Chapter 271 disclosure **provided the form is fully and accurately completed**. Prior to formal appointment on any transaction each firm anticipated to be selected in connection therewith will be required to submit Chapter 271 disclosures. Please refer to Attachment II for a copy of the Chapter 271 disclosure form. It is not required to be completed in connection with this RFQ.

Please also be advised of your firm’s responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c. 271, section 3) if your firm receives contracts in excess of \$50,000 from a public entity during a calendar year. It is your firm’s responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at (888) 313-3532 or www.elec.state.nj.us.

- 4) Chapter 92. Identify the location by country where services will be performed. Pursuant to P.L. 2005, c.92, all services performed by firms selected for this transaction shall be performed within the United States of America.
- 5) State of New Jersey, Division of Purchase and Property Standard Terms and Conditions. By submitting a Proposal, the firm agrees that if is selected, it shall be bound by these Standard Terms and Conditions. A copy of the Standard Terms and Conditions is available at:
<http://www.state.nj.us/treasury/purchase/forms/wtermss.pdf>

6.0 SUBMISSION OF PROPOSAL

Eight (8) copies of your proposal (1 bound original, 6 bound copies and 1 unbound copy) must be delivered by courier or overnight express mail, **no later than 3 PM EST on August 29, 2006** to:

Office of Public Finance
State of New Jersey
50 West State Street, 5th floor
Trenton, NJ 08625
Attention: Catherine Singer

No fax or email proposals will be accepted.

Proposals received after the time and date listed above will not be considered.

Communications with representatives of the State or Authorities concerning this request, by you or on your behalf, are NOT permitted during the term of the submission and selection process, (except as specified below). Communications regarding this RFQ in any manner other than that described below **will result in disqualification** from consideration of the firm seeking appointment pursuant to this RFQ. If you require clarification of any aspect of this proposal, forward the request in writing to RFQresponses@treas.state.nj.us by August 21, 2006. Responses to all questions posed will be posted on the New Jersey Office of Public Finance website at: http://www.state.nj.us/treasury/public_finance/index.html

The State will not be responsible for any expenses in the preparation and/or presentation of the proposals and oral interviews, if any, or for the disclosure of any information or material received in connection with the solicitation, whether by negligence or otherwise.

The State reserves the right to request additional information if necessary, or to request an interview with firm(s), or to reject any and all proposals with or without cause, and waive any irregularities or informalities in the proposals submitted. The State further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all firms submitting proposals. In the event that all proposals are rejected, the State reserves the right to re-solicit proposals.

Responding firms may withdraw their proposal at anytime prior to the filing date and time by written notification signed by an authorized agent of the firm(s). The proposal may thereafter be resubmitted, but only up to the final filing date and time.

The responding firm assumes sole responsibility for the complete effort required in the RFQ. No special consideration shall be given after proposals are opened because of a firm's failure to be knowledgeable about all the requirements of this RFQ. By submitting a proposal in response to this RFQ, the firm represents that it has satisfied itself, from its own

investigation, of all the requirements of this RFQ.

Documents and information submitted in response to this RFQ generally shall be available to the general public as required by applicable law, including the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The State reserves the right to hold oral interviews with any or all of the firms submitting a proposal. The State expects to hold oral interviews on or about September 6, 2006. If held, each firm being requested to attend oral interviews will be notified on or about September 1, 2006.

8.0 SELECTION PROCESS

8.1 All proposals will be reviewed to determine responsiveness. Non-responsive proposals will be rejected without evaluation. Responsive proposals will be evaluated by an evaluation committee pursuant to the criteria specified below. The State reserves the right to request clarifying information subsequent to submission of the proposal if necessary.

8.2 An evaluation committee will review and score each proposal received that meets the Minimum Requirements set forth above in Section 2.0, pursuant to the criteria specified below.

8.3 The criteria used to evaluate responsive proposals shall include, but not be limited to expertise, capacity, experience, fees and personnel and may include the following evaluation criteria categories.

- 1) Overall advisory and underwriting experience with PPP/PFI transactions
- 2) Experience with PPP/PFI advisory and transactions which are most relevant to the State and the Authorities
- 3) Experience as advisor or senior underwriter of tax exempt municipal bonds
- 4) Experience of professionals assigned to work with the State
- 5) Fees and expenses
- 6) Quality of oral interview
- 7) Overall quality of response to RFQ

8.4 The State reserves the right to negotiate and/or request best and final offers from a firm(s) selected from the pool to provide services, as the State may deem appropriate in its sole discretion.

ATTACHMENT I

In connection with your firm's proposal to provide Advisor services to the State, compliance with P.L. 2005, c.51 ("Chapter 51") must be demonstrated in order to qualify for such position. Attached are the necessary documents to be completed by your firm in order to demonstrate Chapter 51 compliance:

- Attachment #1 – Certification & Disclosure Instructions;
- Attachment #2 – Certification & Disclosure Form; and
- Attachment #3 - Ownership Disclosure.

With respect to the ownership disclosure form (Attachment #3), for each business entity listed as 10% or more owner of your firm, if any, please provide separate Certification and Disclosure Forms (Attachment #2).

Instructions

Instructions for Completing “Contractor Certification and Disclosure of Political Contributions” Forms

Who Should Sign and Submit Certification and Disclosure Forms

Public Law 2005, Chapter 51 requires submission of a Certification and Disclosure form from each Bidder with which the State intends to contract, as well as other related individuals or entities, depending upon the Bidder’s organizational structure. The following provides a summary of the most common requirements:

Where the Bidder is a corporation or other business organization:

Submit separate Certification and Disclosure forms for each of the following:

- The Bidder, certified by an officer or other authorized representative; AND
- All “Principals” of the Bidder’s Business Entity; namely, any individual or entity owning or controlling more than 10% of the Bidder’s Business Entity; AND
- Any subsidiary controlled by the Bidder’s Business Entity; AND
- Any Political Organization (as defined above, under “Business Entity”) controlled by the Bidder’s Business Entity.

Ownership Disclosure Forms

In order to determine whether all required “Principals” of the Bidder have submitted the necessary forms, the Bidder must submit a copy of an Ownership Disclosure form. This disclosure is required by statute – see N.J.S.A. 52:25-24.2. Generally, the contracting agency will provide the appropriate form to use for this purpose. Otherwise, please use the Ownership Disclosure form available at the Division of Purchase and Property’s website, at: <http://www.state.nj.us/treasury/purchase/forms/pbodf.pdf>.

ONE FORM may be used to submit compliance documentation on behalf of the Bidder and as a Principal (more than 10% owner) of the Bidder, as long as appropriate representatives have signed both in the space provided for signature on behalf of the company, as an officer or other authorized representative, and in the space provided for individual signature.

Where the Bidder is an individual (including a sole proprietor), not a corporation or other business organization:

Unless separate Certification and Disclosure forms are submitted, one Certification and Disclosure will be deemed to encompass all of the following persons or organizations:

- The Bidder; AND
- Any spouse or children of legal age, residing in the same household; AND
- Any Political Organization (as defined above) controlled by the Bidder’s Business Entity.

Instructions

Contractor Certification and Disclosure of Political Contributions

Examples

Scenario One: *Two individuals each own 50% of the Bidder: Three signatures are required – one on behalf of the Bidder and one by each individual owner of more than 10% of the Bidder. NOTE: If one of the Principals (owners) signs on behalf of the Bidder, that Principal may also sign the same form, in his or her individual capacity. However, the other Principal must sign and submit a separate Certification and Disclosure form. Accordingly, either two or three separate Certification and Disclosure forms will be submitted.*

Scenario Two: *An individual owns 100% of a Bidder: Two signatures are required: the individual owner can submit one Certification and Disclosure form, provided he or she has signed in the space provided for signature on behalf of the Bidder (“ARROW #2”> “Certification on behalf of a company or organization”) and in the space provided for individual signature (“ARROW #3”> “Certification by an individual...”).*

Scenario Three: *Four individuals and one corporation each own 20% of the Bidder: six signatures are required – one by each individual and corporate owner of more than 10% of the Bidder, and one on behalf of the Bidder. NOTE: As in Scenario One, above, if one of the Principals (owners) signs on behalf of the Bidder, that Principal may also sign the same form, in his or her individual capacity.*

Scenario Three: *The Bidder is an individual, conducting business in his or her own name, or as a sole proprietorship: certification and disclosure by the Bidder applies to that person’s spouse and/or legal age child living in the same household, unless separate certification and disclosure forms are submitted.*

Additional scenarios are the subject of some of the Questions and Answers posted on the Division of Purchase and Property’s website. Please refer to that site, at <http://www.state.nj.us/treasury/purchase/execorder134.htm> for additional information, or to submit questions regarding the completion of Political Contribution Compliance (EO 134) forms.

Continuing Disclosure Obligation

Pursuant to Public Law 2005, Chapter 51, all business entities which have been awarded a State contract on or after October 15, 2004, in an amount in excess of \$17,500, have a continuing obligation to disclose all Contributions made during the term of such contract.

Such disclosures are to be submitted by the business entity to the Agency or Agencies which awarded the applicable contract(s). The disclosures are to be made using the standard Certification and Disclosure form, which may be downloaded from the Division of Purchase and Property’s website.

Instructions

Contractor Certification and Disclosure of Political Contributions

Agency Submission of Forms

The agency should submit the completed and signed Contractor Political Contribution Compliance (EO 134) and Ownership Disclosure forms, with an Executive Summary of Transaction form (available online at: http://www.state.nj.us/treasury/purchase/forms/eo134/dpp_134_esp.pdf), **completed by the agency**, to:

EO 134 Review Unit
P.O. Box 039
33 West State Street, 4th Floor
Trenton, New Jersey 08625

The agency should keep the original forms in its file, and submit copies to the EO 134 Review Unit.

Questions & Answers

Questions regarding the interpretation or application of **Public Law 2005, Chapter 51** (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134) (2004)) may be submitted electronically through the website of the Department of the Treasury, Division of Purchase and Property, <http://www.state.nj.us/treasury/purchase/execorder134.htm>. Responses to questions are posted at the website, as are additional reference materials and forms.

Definitions:

“Chapter 51” -- means Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)).

“Business Entity” – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person’s spouse or child, residing in the same household.

“Contribution” – means a contribution reportable by the recipient under the “New Jersey Campaign Contributions and Expenditures Reporting Act,” P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-10.1 et seq. Contributions made prior to January 1, 2005 in an amount in excess of \$400 during a reporting period are deemed “reportable” under these laws. As of January 1, 2005, contributions in excess of \$300 are deemed “reportable.”

References to **“Bidder”** include, but are not limited to, all entities which contemplate entering into a contractual relationship with the State, including vendors, potential vendors, contractors, consultants, sellers.

Solicitation No.: _____ Bidder: _____

The Bidder (Vendor) should complete the required Certification and Disclosure forms and submit them, together with a completed Ownership Disclosure form, **to the using agency, department or the Purchase Bureau**. Instructions for completing this form are at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134>.

Part I: Certification

I hereby certify as follows:

1. On or after October 15, 2004, the below-named person or entity has not solicited or made any Contribution of money, pledge of Contribution, including in-kind Contributions, company or organization Contributions, as set forth below that would bar the award of a contract to the Bidder, pursuant to the terms of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)).
 - a) **Within the 18 months immediately preceding the Solicitation (exclusive of any contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
 - (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor; or
 - (ii) Any State or county political party committee.
 - b) **During the term of office of the current Governor (exclusive of any Contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
 - (i) Any candidate committee and/or election fund of the governor; or
 - (ii) Any State or county political party committee nominating such Governor in the election preceding the commencement of said Governor's term.
 - c) **Within the 18 months immediately prior to the first day of the term of office of the Governor (exclusive of any Contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
 - (i) Any candidate committee and/or election fund of the Governor; or
 - (ii) Any State or County political party committee of the political party nominating the successful gubernatorial candidate in the last gubernatorial election.
2. If the Bidder is awarded a contract pursuant to the solicitation for this bid proposal, the below-named person or organization will, on a continuing basis, continue to report any Contributions it makes during the term of the contract, and any extension(s) thereof.

Public Law 2005, Chapter 51

Formerly:

Executive Order
134

Bidder: _____

Part II: Disclosure

Following is the required disclosure of all Contributions made from October 15, 2004, through the date of signing of this Certification and Disclosure to: (i) any entity designated and organized as a "political organization" under 26 U.S.C.A. § 527 that is also defined as "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1 or (ii) any candidate committee and/or election fund of any candidate for or current holder of the public office of Governor; and any State or county political party committee. Such an entity is identified in the following chart as a "Committee."

Name and Address of Committee	Date of Contribution	Amount of Contribution	Type of Contribution i.e., Currency, Check, Loan, In Kind	Donor
Indicate "<u>none</u>" if no Contributions were made. Attach additional pages if necessary.				

Certification on behalf of a COMPANY or organization:

I certify as an officer or authorized representative of the Company or Organization identified below that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Company or Organization: _____

Signed: _____ Title: _____

Print Name: _____ Date: _____

(check one) (A) ☐ The Company or Organization is the Bidder, or (B) ☐ The Company or Organization is a Principal (more than 10% ownership or control) of the Bidder, a Subsidiary controlled by the Bidder, or a Political Organization (eg, PAC) controlled by the Bidder.

Certification by an individual – for use by the individual Bidder, or as a Principal (more than 10% ownership or control) of the Bidder, or as the spouse or child of the Bidder:

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Signed: _____

Print Name: _____ Date: _____

Note: A person may certify BOTH as an officer or authorized representative of the Bidder, AND in his or her individual capacity, as a Principal of the Bidder.

OWNERSHIP DISCLOSURE FORM

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE & PROPERTY
STATE OF NEW JERSEY
33 W. STATE ST., 9TH FLOOR
PO BOX 230
TRENTON, NEW JERSEY 08625-0230

FID. NUMBER _____

BIDDER: _____

INSTRUCTIONS : Provide below the names, home addresses, dates of birth, offices held and any ownership interest of all officers of the firm named above. If additional space is necessary, provide on an attached sheet.

NAME	HOME ADDRESS	DATE OF BIRTH	OFFICE HELD	OWNERSHIP INTEREST (Shares Owned or % of Partnership)

INSTRUCTIONS : Provide below the names, home addresses, dates of birth, and ownership interest of all individuals not listed above, and any partnerships, corporations and any other owner having a 10% or greater interest in the firm named above. If a listed owner is a corporation or partnership, provide below the same information for the holders of 10% or more interest in that corporation or partnership. If additional space is necessary, provide that information on an attached sheet. Complete the certification at the bottom of this form. If this form has previously been submitted to the Purchase Bureau in connection with another bid, indicate changes, if any, where appropriate, and complete the certification below.

If there are no owners with 10% or more interest in your firm, enter "None" below.

NAME	HOME ADDRESS	DATE OF BIRTH	OFFICE HELD	OWNERSHIP INTEREST (Shares Owned or % of Partnership)

COMPLETE ALL QUESTIONS BELOW

- | | <u>YES</u> | <u>NO</u> |
|---|--------------|--------------|
| 1. Within the past five years has another company or corporation had a 10% or greater interest in the firm identified above?
(If yes, complete and attach a separate disclosure form reflecting previous ownership interests.) | <u> C </u> | <u> C </u> |
| 2. Has any person or entity listed in this form or its attachments ever been arrested, charged, indicted or convicted in a criminal or disorderly persons matter by the State of New Jersey, any other State or the U.S. Government? (If yes, attach a detailed explanation for each instance.) | <u> C </u> | <u> C </u> |
| 3. Has any person or entity listed in this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any agency of government from bidding or contracting to provide services, labor, material, or supplies? (If yes, attach a detailed explanation for each instance.) | <u> C </u> | <u> C </u> |
| 4. Are there now any criminal matters or debarment proceedings pending in which the firm and/or its officers and/or managers are involved? (If yes, attach a detailed explanation for each instance.) | <u> C </u> | <u> C </u> |
| 5. Has any Federal, State or Local license, permit or other similar authorization, necessary to perform the work applied for herein and held or applied for by any person or entity listed in this form, been suspended or revoked, or been the subject or any pending proceedings specifically seeking or litigating the issue of suspension or revocation? (If yes, attach a detailed explanation for each instance.) | <u> C </u> | <u> C </u> |

CERTIFICATION : I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that **I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers or information contained herein.** I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option, may declare any contract(s) resulting from this certification void and unenforceable.

I, being duly authorized, certify that the information supplied above, including all attached pages, is complete and correct to the best of my knowledge, I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Company Name: _____

(Signature)

Address: _____

PRINT OR TYPE: _____

(Name)

PRINT OR TYPE: _____

(Title)

FEIN/SSN#: _____

Date _____

ATTACHMENT II

PUBLIC LAW 2005, C. 271

VENDOR CERTIFICATION AND POLITICAL CONTRIBUTION DISCLOSURE FORM

Contract Reference No:

Vendor:

At least ten (10) days prior to entering into the above-referenced contract, the Vendor must complete this Certification and Disclosure Form, in accordance with the directions below and submit it to the State contact for such contract. **Please note that the disclosure requirements under Public Law 2005, Chapter 271 are separate and different from the disclosure requirements under Public Law 2005, Chapter 51 (formerly Executive Order 134). Although no vendor will be precluded from entering into a contract by any information submitted on this form, a vendor's failure to fully, accurately and truthfully complete this form and submit it to the appropriate State agency may result in the imposition of fines by the New Jersey Election Law Enforcement Commission.**

Disclosure

Following is the required Vendor disclosure of all Reportable Contributions made in the twelve (12) months prior to and including the date of signing of this Certification and Disclosure to: (i) any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or (ii) any entity that is also defined as a "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.

The Vendor is required to disclose Reportable Contributions by: the Vendor itself; all persons or other business entities owning or controlling more than 10% of the profits of the Vendor or more than 10% of the stock of the Vendor, if the Vendor is a corporation for profit; a spouse or child living with a natural person that is a Vendor; all of the principals, partners, officers or directors of the Vendor and all of their spouses; any subsidiaries directly or indirectly controlled by the Vendor; and any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the Vendor, other than a candidate committee, election fund, or political party committee.

"Reportable Contributions" are those contributions that are required to be reported by the recipient under the "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-10.1 et seq. As of January 1, 2005, contributions in excess of \$300 during a reporting period are deemed "reportable."

Name and Address of Committee to Which Contribution Was Made	Date of Contribution	Amount of Contribution	Contributor's Name
Indicate " <u>none</u> " if no Reportable Contributions were made. Attach Additional Pages As Needed			

Certification:

I certify as an officer or authorized representative of the Vendor that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Vendor: _____

Signed: _____

Title: _____

Print Name: _____